

**ELECTION**

Applicants elect without traverse, Group I as outlined in the office action mailed July 30, 2002, containing Claims 1-62 for further examination in the present application. Further, Applicants elect without traverse, the species of sucrose as presented in Claims 34 and 61.

**REMARKS**

Applicants thank the Examiner for consideration of the subject patent application. In the office action mailed July 30, 2002, claims 1-63 were pending, and made subject to a restriction requirement under 35 U.S.C. § 121. Particularly, the Examiner indicated that Claims 1-62 were drawn to a composition classified in class 435, subclass 183 (Group I), and that Claim 63 was drawn to a method of using the composition, classified in class 424, subclass 94.1 (Group II).

The Examiner also indicated that the patent application contained claims directed to a number of patentably distinct species of additional ingredients as listed in Claims 30, 32, and 34, and also in Claims 57, 59, and 61. These species are as follows: Claims 30 and 57 recite maltase, Claims 32 and 59 recite lactase, and Claims 34 and 61 recite sucrose. The Examiner has further indicated that Claims 1 and 36 are generic. As recited above, Applicants have elected the species of sucrose as recited in Claims 34 and 61. Therefore claims readable upon this species within the elected Group I include include: 1) generic Claims 1 and 36 as indicated by the Examiner, 2) Claims 2-29, 34, and 35, and 3) Claims 37-56, 61, and 62.

Therefore, pursuant to the present election, Claims 1-29, 34-56, 61, and 62 remain for consideration in the present patent application, and Claims 30-33, 57-60, and 63 are withdrawn from

consideration. However, upon allowance of a generic claim Applicants are entitled to consideration of claims to the additional species of maltase and lactase as recited in Claims 30-34 and 57-60.

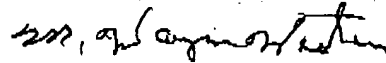
If any impediment remains after consideration of the above-recited remarks, which could be alleviated during a telephone interview, the Examiner is invited to telephone Mr. David Osborne of this office, or in his absence, the undersigned attorney, at (801) 566-6633 so that such issues may be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 19<sup>th</sup> day of August, 2002.

Respectfully submitted,

THORPE, NORTH & WESTERN, LLP



M. Wayne Western

Reg. No. 22,788

8180 South 700 East, Suite 200

Sandy, UT 84070

Telephone: (801) 566-6633

Facsimile: (801) 566-0750